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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 HARVESTER HARRIS,

8 Plaintiff,

9 v.

10 LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT, et al.

11 Defendant.

Case No. 2:15-cv-00337-GMN-PAL

ORDER

(Mot Ext Time – ECF No. 95)  
(Mot for SC – ECF No. 96)

12 Before the court is Plaintiff's Request for Extension of Time to Secure Counsel Pursuant  
13 to Order (90) and Motion for Settlement Conference (ECF Nos. 95, 96). The court has considered  
14 the motions and defendants' Response to the Motion for Settlement Conference (ECF No. 100).

15 The court granted attorney Cal Potter's motion to withdraw and gave plaintiff additional  
16 time to seek substitute counsel. Attorney Jay Kenyon remains counsel of record for Mr. Harris,  
17 but is seeking counsel with experience in Section 1983 litigation to assist with the trial. He requests  
18 additional time to finalize association with another firm. In addition, he requests that the court  
19 enter an order directing the parties to participate in good faith in a settlement conference before  
20 the time and expense of trial preparation is incurred.


21 Defendants filed a response to the motion for settlement conference indicating they have  
22 no opposition to a settlement conference after dispositive motions are decided. However, they  
23 have a pending request that district judge reconsider her order denying their motions for summary  
24 judgment (ECF No. 93) as moot. Defendants indicate that if the district judge reconsiders her  
25 order, and considers the motions for summary judgment on the merits, the decision will have a  
26 substantial impact on negotiating a settlement. The response took no position with respect to the  
27 request for additional time to retain Section 1983 counsel.  
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1 Mr. Kenyon does not indicate how long he anticipates it will take to associate a firm with  
2 Section 1983 experience. No trial date has been set, and will not be set until the joint pretrial order  
3 is filed. The district judge has directed that the joint pretrial order be filed by December 4, 2017.  
4 Defendants have requested reconsideration of the district judge's denial of motions for summary  
5 judgment as moot. Defendants also request that the district judge reconsider her order requiring  
6 the parties to file the joint pretrial order. Plaintiff's response to the motion to reconsider agrees  
7 that the issues have been briefed by the parties and may be ruled upon by the court. The court  
8 will grant plaintiff's request for additional time to find additional counsel with Section 1983  
9 litigation experience. However, as defendants indicate resolution of the pending motions is needed  
10 to realistically assess settlement the court will deny the motion for a settlement conference at this  
11 time. The district judge ordinarily automatically refers cases to the undersigned for a settlement  
12 conference, either after briefing of dispositive motions or after decision of dispositive motions.

13 **IT IS ORDERED** that:

- 14 1. Plaintiff's Request for an Extension of Time (ECF No. 95) is **GRANTED**, and plaintiff  
15 shall have until **December 22, 2017**, to attempt to secure Section 1983 litigation  
16 counsel.  
17 2. Plaintiff's Motion for a Settlement Conference (ECF No. 96) is **DENIED** without  
18 prejudice.

19 DATED this 14th day of November, 2017.

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21   
22 PEGGY A. ZEEN  
23 UNITED STATES MAGISTRATE JUDGE  
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